

### **Remarks and Arguments**

Claims 1-10 are pending in this application. Claim 1 has been amended to more particularly point out the invention. Support for the amendment can be found throughout the specification, e.g. page 4, lines 22-30.

#### **I. Information Disclosure Statement**

The Office believes that copies of the following references were not submitted with the previously filed IDS: Goh et al. (2005); Khamisi et al. (2005); Laflamme et al. (2005); Strauer et al. (2005); Van Laake et al. (2005); Xiao et al. (2003); and Xu et al. (2006). Applicants respectfully disagree. Copies of the references were submitted electronically on May 5, 2008. On November 24, 2008 Applicants checked the record of this case on private PAIR and were able to access copies of all the references noted above.

#### **II. Double Patenting**

Claims 1, 2, 4, and 7 stand provisionally rejected as allegedly unpatentable over claims 1-5 and 8-12 of co-pending Application No. 11/086,709 on the ground of non-statutory obviousness-type double patenting. Applicants request that this rejection be held in abeyance until there is allowable subject matter in this case.

Claims 1-4, 7, 8 and 10 stand provisionally rejected as allegedly unpatentable over claims 1-10 and 12-18 of co-pending Application No. 11/040691 on the ground of non-statutory obviousness-type double patenting. Applicants request that this rejection be held in abeyance until there is allowable subject matter in this case.

#### **III. Obviousness**

Claims 1-4, 6, 7, 9, and 10 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Doevendans et al. (2000) *J Mol Cell Cardiol*, 32:839 in view of Schuldiner et al. (2000) *PNAS* 97(21):11307; Sugi and Lough (1995) *Dev Biol* 168:567; Thomson et al. (1998) *Science* 282:1145; and Nair and Nair (1997) *Indian J Exp Biol* 35(5):451.

While not acquiescing in the rejection and for the sole purpose of expediting prosecution Applicants have amended claim 1 to recite "isolating." Applicants believe the amendment obviates the rejection and notes that the Office has suggested such an amendment may be remedial (Office Action dated June 25, 2008, page 10). Accordingly, Applicants request withdrawal of the rejection.

#### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Customer No. 22869  
Appl. No. 10/805,099  
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Atty. Docket No. 099/004P  
Amendment and Response to Office Action

Please grant any extensions of time required to enter this filing and charge any additional required fees to our deposit account No. 07-1139, referencing the docket number indicated above.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. Stewart Mittler", written over a horizontal line.

E. Stewart Mittler  
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